

CHAPTER 62**PUBLIC WORKS CONTRACTOR REGISTRATION****Authority**

N.J.S.A. 34:11-56.48 et seq. (P.L. 1999 c.238).

Source and Effective Date

R.2000 d.167, effective April 17, 2000.
See: 32 N.J.R. 381(a), 32 N.J.R. 1397(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 62, Public Works Contractor Registration, expires on October 14, 2005. See: 37 N.J.R. 1674(a).

Chapter Historical Note

Chapter 62, Public Works Contractor Registration, was adopted as R.2000 d.167, effective April 17, 2000. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS**12:62-1.1 Application and scope**

(a) The rules in this chapter are promulgated by the Department of Labor in order to implement "The Public Works Contractor Registration Act," P.L. 1999, c.238 (N.J.S.A. 34:11-56.48 et seq.). The Act establishes a unified procedure for the registration of contractors and subcontractors engaged in public works projects.

(b) The provisions of this chapter shall apply to all contractors, as that term is defined in N.J.A.C. 12:62-1.3.

12:62-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means "The Public Works Contractor Registration Act" (P.L. 1999, c.238; N.J.S.A. 34:11-56.48 et seq.) and the rules promulgated thereunder.

"Commissioner" means the Commissioner of Labor or his or her duly authorized representatives.

"Contractor" means a person, partnership, association, joint stock company, trust, corporation, or other legal business entity or successor thereof who enters into a contract which is subject to the provisions of the New Jersey Prevailing Wage Act, P.L. 1963, c.150, N.J.S.A. 34:11-56.25 et seq., and includes any subcontractor or lower tier subcontractor of a contractor as defined in this section.

"Department" means the Department of Labor.

"Maintenance" means "maintenance work" as that term is defined at N.J.S.A. 34:11-56.26, namely, the repair of existing facilities when the size, type or extent of such facilities is not thereby changed or increased.

"Public work" means construction, reconstruction, demolition, alteration, or repair work, or maintenance work, including painting and decorating, done under contract and paid for in whole or in part out of the funds of a public body, except work performed under a rehabilitation program. "Public work" shall also mean construction, reconstruction, demolition, alteration, or repair work, done on any property or premises, whether or not the work is paid for from public funds, if, at the time of the entering into the contract:

1. Not less than 55 percent of the property or premises is leased by a public body or is subject to an agreement to be subsequently leased by the public body;
2. The portion of the property or premises that is leased or subject to an agreement to be subsequently leased by the public body measures more than 20,000 square feet.

"Subcontractor" means any subcontractor or lower tier subcontractor of a contractor.

"Worker" includes a laborer, mechanic, skilled or semi-skilled laborer and apprentices or helpers employed by any contractor or subcontractor and engaged in the performance of services directly upon a public work, regardless of whether their work becomes a component part thereof, but does not include material suppliers or their employees who do not perform services at the job site.

Amended by R.2004 d.164, effective April 19, 2004.
See: 35 N.J.R. 5480(a), 36 N.J.R. 1942(b).
Rewrote "Contractor"; added "Subcontractor".

12:62-1.3 Administration and enforcement

The Division of Wage and Hour Compliance, within the Department of Labor, shall administer and enforce this chapter. All the powers, duties and responsibilities vested in the Commissioner by the Public Works Contractor Registration Act are hereby delegated to and vested in the Director of the Division of Wage and Hour Compliance, except the power to adopt, amend or repeal rules and the power to make final determinations resulting from any of the hearings required or permitted to be held pursuant to the Act or the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

12:62-1.4 Validity

If any provisions of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter. To this end, the provisions of this chapter are severable.

SUBCHAPTER 2. PUBLIC WORKS CONTRACTOR REGISTRATION
12:62-2.1 Registration required

(a) No contractor shall bid on any contract for public work unless the contractor is registered pursuant to the Act. In addition:

1. No contractor shall list a subcontractor in a bid proposal for a public works contract unless the subcontractor as required is registered pursuant to the terms of N.J.S.A. 34:11-56.48 et seq., the Public Works Contractor Registration Act, at the time the bid is submitted to the public entity; and
2. No contractor or subcontractor not listed on the bid proposal shall engage in the performance of any public work project unless the contractor or subcontractor is registered pursuant to the Act.

(b) Any contractor which seeks to register under the Act shall apply to the Division of Wage and Hour Compliance, within the Department of Labor. For this purpose, the Department shall prepare a "New Jersey Department of Labor Application for Public Works Contractor Registration." This form shall be available from the Department.

(c) As part of its application to the Department, a contractor shall provide all required information and documents requested by the Application for Public Works Contractor Registration. The information to be submitted for review shall include:

1. The name, principal business address, telephone and fax number as well as any e-mail address of the business;

2. Whether the contractor or subcontractor is a corporation, partnership, sole proprietorship, or other form of a business entity;

3. The name and address of the custodian of records and agent for service of process within the State of New Jersey;

4. The name, addresses of residence, and telephone number of each person with a financial interest in the business and the percentage of interest, except that if the business is a publicly traded corporation, the contractor shall supply the names and addresses of residence of the corporation's officers;

5. The business' Federal Employer Identification Number and State of New Jersey Taxpayer Identification Number;

6. A history of previous and/or current labor law violations and the final dispositions of such violations;

7. Proof of workers' compensation insurance; and

8. Any other relevant and appropriate information from a particular applicant as determined by the Commissioner.

(d) The contractor shall pay an initial, non-refundable, annual registration fee of \$300.00 to the Commissioner. The non-refundable fee for the second annual registration shall be \$300.00. Upon successful completion of two consecutive years of registration, a contractor may elect to register for a two-year period and pay a non-refundable registration fee of \$500.00

(e) An applicant shall fully and accurately complete all relevant parts of the Application for Public Works Contractor Registration. Failure to provide a complete application shall result in rejection.

(f) An applicant who fails to provide specifically requested additional information or documentation shall be considered not in compliance with the Act and shall be subject to rejection.

(g) If the applicant knowingly supplies incomplete or inaccurate information to the Department in connection with his or her application, he or she shall be disqualified under these rules, barred from reapplying for registration for a period of up to one year from the date of notice of disqualification, and may be subject to other penalties described in N.J.A.C. 12:62-2.3, 2.4 and 2.5.

Amended by R.2004 d.164, effective April 19, 2004.
See: 35 N.J.R. 5480(a), 36 N.J.R. 1942(b).

Rewrote (a); in (d), inserted "non-refundable" preceding references to registration fees throughout.